

AMENDED IN ASSEMBLY JUNE 10, 2004

AMENDED IN SENATE MAY 20, 2004

AMENDED IN SENATE MAY 10, 2004

AMENDED IN SENATE MAY 3, 2004

AMENDED IN SENATE APRIL 28, 2004

SENATE BILL

No. 1912

Introduced by Senator Ashburn
@@@@(Coauthor: Senator Ortiz)
(Coauthors: Senators Florez and Ortiz)

March 11, 2004

An act to amend Section 49423 of the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1912, as amended, Ashburn. Pupil health: self-administration of medication.

Existing law provides that each pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, *foster parent*, or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.

This bill would authorize a pupil to carry and self-administer inhaled asthma or auto-injectable epinephrine medication if the school district receives the statements described above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49423 of the Education Code is
2 amended to read:

3 49423. Notwithstanding Section 49422, any pupil who is
4 required to take, during the regular schoolday, medication
5 prescribed for him or her by a physician, may be assisted by the
6 school nurse or other designated school personnel or may carry
7 and self-administer prescription inhaled asthma medication or
8 auto-injectable epinephrine if the school district receives both of
9 the following:

10 (a) A written statement from the physician detailing the
11 method, amount, and time schedules by which the medication is
12 to be taken.

13 (b) A written statement from the parent, *foster parent*,
14 *pursuant to Section 1530.6 of the Health and Safety Code*, or
15 guardian of the pupil indicating the desire that the school district
16 assist the pupil in the matters set forth in the physician's statement
17 *or consenting to the self-administration*.

18 (c) *If a pupil is observed misusing or sharing inhaled asthma*
19 *medication or auto-injectable epinephrine with other pupils, a*
20 *school principal may revoke the pupil's authorization to carry and*
21 *self-administer the medication at school. If a principal revokes a*
22 *pupil's authorization to carry and self-administer the medication*
23 *at school, the principal shall immediately inform the parent, foster*
24 *parent, or guardian and physician of the pupil of the revocation.*
25

26 SEC. 2. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety
28 within the meaning of Article IV of the Constitution and shall go
29 into immediate effect. The facts constituting the necessity are:

1 In order to provide, at the earliest possible time, for the
2 protection of the health of pupils and prevent deaths, it is necessary
3 that this act take effect immediately.

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